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LEGISLATIVE HISTORY

Public Law 351--78th Congress

Chapter 274--2d Session

H. R. 1475

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DIGEST OF PUBLIC LAW 351

RETIREMENT ANNUITY PAYMENTS. This Act amends the Civil Service Retirement Act so as to prohibit recovery of annuity payments from any annuitant when such recovery would be contrary to equity and good conscience.

INDEX AND SUMMARY OF HISTORY ON H. R. 1475

Debate referred to is bound volume of Congressional Record,
Vol, 90, Pts. 3 and 4.

January 11, 1943	S. 277 introduced by Senator McNary and referred to the Senate Committee on Civil Service. Print of the bill as introduced. (Similar bill).
	H. R. 988 introduced by Rep. Barry and referred to the House Committee on Civil Service. Print of the bill as introduced. (Similar bill).
January 21, 1943	S. 461 introduced by Senator Downey and referred to the Senate Committee on Civil Service. Print of the bill as introduced. (Companion bill).
January 25, 1943	H. R. 1475 introduced by Rep. Manspeck and referred to the House Committee on Civil Service. Print of the bill as introduced.
March 10, 1943	H. R. 2133 introduced by Rep. Angell and referred to the House Committee on Civil Service. Print of the bill as introduced. (Similar bill).
April 24, 1944	Senate Committee reported S. 461 without amendment. Senate Report 804. Print of the bill as reported.
April 26, 1944	House Committee reported H. R. 1475 without amendment. House Report 1396. Print of the bill as reported.
May 2, 1944	H. R. 1475 passed house without amendment. pp. 3866.
May 3, 1944	Print of H. R. 1475 as ordered to be placed on the calendar.
May 25, 1944	Senate passed H. R. 1475 in lieu of S. 461, without amendment. Later in the day Senator Nead offered an amendment which was agreed to by the Senate. p. 4976.
June 19, 1944	House agreed to Senate amendment.
June 26, 1944	Approved. Public Law 351.

78TH CONGRESS
1ST SESSION

S. 277

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 1943

Mr. McNARY introduced the following bill; which was read twice and referred to the Committee on Civil Service

A BILL

To amend further the Civil Service Retirement Act approved May 29, 1930, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act shall include all retired Federal employees in
4 the classified civil service who, under the Act of May 22,
5 1920, had deductions made from their salary, pay, or com-
6 pensation by department order, according to law, for the
7 purpose of establishing a pension system, and they shall
8 be entitled to the full benefits of the annuity under the pro-
9 visions of the Act approved January 24, 1942, and Acts in
10 amendment thereof: *Provided*, That the provisions of this Act
11 shall become effective as of the date of the Act approved

1 January 24, 1942: *Provided further*, That retired employees
 2 now receiving an annuity shall be paid the annuity according
 3 to the provisions of the Act of January 24, 1942: *Provided*
 4 *further*, That this Act shall not be so construed as to reduce
 5 the annuity of any person retired before the effective date of
 6 this Act: *Provided further*, That all laws and parts of laws
 7 inconsistent with this Act are hereby repealed.

78th CONGRESS
1st Session

S. 277

A BILL

To amend further the Civil Service Retirement
Act approved May 29, 1930, as amended.

By Mr. McNARY

JANUARY 11, 1943

Read twice and referred to the Committee on
Civil Service

78TH CONGRESS
1ST SESSION

H. R. 988

IN THE HOUSE OF REPRESENTATIVES

JANUARY 11, 1943

Mr. BARRY introduced the following bill; which was referred to the Committee on the Civil Service

A BILL

To amend further the Civil Service Retirement Act approved May 29, 1930, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act shall include all retired Federal employees in
4 the classified civil service who, under the Act of May 22,
5 1920, had deductions made from their salary, pay, or com-
6 pensation by department order, according to law, for the
7 purpose of establishing a pension system, and they shall
8 be entitled to the full benefits of the annuity under the pro-
9 visions of the Act approved January 24, 1942, and Acts
10 in amendment thereof: *Provided*, That the provisions of
11 this Act shall become effective as of the date of the Act

1 approved January 24, 1942: *Provided further*, That re-
2 tired employees now receiving an annuity shall be paid the
3 annuity according to the provisions of the Act of January 24,
4 1942: *Provided further*, That this Act shall not be so con-
5 strued as to reduce the annuity of any person retired before
6 the effective date of this Act: *Provided further*, That all
7 laws and parts of laws inconsistent with this Act are hereby
8 repealed.

78TH CONGRESS
1ST SESSION

H. R. 988

A BILL

To amend further the Civil Service Retirement
Act approved May 29, 1930, as amended.

By Mr. BARRY

JANUARY 11, 1943

Referred to the Committee on the Civil Service

S. 461

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1943

Mr. DOWNEY introduced the following bill; which was read twice and referred to the Committee on Civil Service

A BILL

To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 17 of the Civil Service Retirement Act, approved
4 May 29, 1930, as amended, is further amended by adding
5 thereto a further paragraph reading as follows:

6 “Notwithstanding any other provision of this Act,
7 there shall be no recovery of annuity payments from any
8 annuitant under this Act who, in the judgment of the Civil
9 Service Commission, is without fault and when, in the judg-
10 ment of the Civil Service Commission, such recovery would
11 be contrary to equity and good conscience.”

78TH CONGRESS
1ST Session

S. 461

A BILL

To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

By Mr. DOWNEY

JANUARY 21, 1943

Read twice and referred to the Committee on
Civil Service

H. R. 1475

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1943

Mr. RAMSPECK introduced the following bill; which was referred to the Committee on the Civil Service

A BILL

To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 17 of the Civil Service Retirement Act, ap-
4 proved May 29, 1930, as amended is further amended by
5 adding thereto a further paragraph reading as follows:

6 “Notwithstanding any other provision of this Act, there
7 shall be no recovery of annuity payments from any annuitant
8 under this Act who, in the judgment of the Civil Service
9 Commission, is without fault and when, in the judgment of
10 the Civil Service Commission, such recovery would be con-
11 trary to equity and good conscience.”

78TH CONGRESS
1ST SESSION

H. R. 1475

A BILL

To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

By Mr. KAMPECK

JANUARY 25, 1943

Referred to the Committee on the Civil Service

78TH CONGRESS
1ST SESSION

H. R. 2138

IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 1943

Mr. ANGELL introduced the following bill; which was referred to the Committee on the Civil Service

A BILL

To amend further the Civil Service Retirement Act approved May 29, 1930, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act shall include all retired Federal employees in
4 the classified civil service who, under the Act of May 22,
5 1920, had deductions made from their salary, pay, or com-
6 pensation by department order, according to law, for the
7 purpose of establishing a pension system, and they shall
8 be entitled to the full benefits of the annuity under the pro-
9 visions of the Act approved January 24, 1942, and Acts in
10 amendment thereof: *Provided*, That the provisions of this
11 Act shall become effective as of the date of the Act approved

1 January 24, 1942: *Provided further*, That retired employees
2 now receiving an annuity shall be paid the annuity according
3 to the provisions of the Act of January 24, 1942: *Provided*
4 *further*, That this Act shall not be so construed as to reduce
5 the annuity of any person retired before the effective date of
6 this Act: *Provided further*, That all laws and parts of laws
7 inconsistent with this Act are hereby repealed.

78TH CONGRESS
1ST SESSION

H. R. 2138

A BILL

To amend further the Civil Service Retirement
Act approved May 29, 1930, as amended.

By Mr. ANGELL

MARCH 10, 1943

Referred to the Committee on the Civil Service



RECOVERY OF PAYMENTS UNDER CIVIL SERVICE
RETIREMENT ACT

APRIL 24 (legislative day, APRIL 12), 1944.—Ordered to be printed

Mr. DOWNEY, from the Committee on Civil Service, submitted the following

REPORT

[To accompany S. 461]

The Committee on Civil Service, to whom was referred the bill (S. 461) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the bill is to authorize the waiver of recovery of annuity payments illegally received by annuitants under the Civil Service Retirement Act where, in the judgment of the Civil Service Commission, the annuitant is without fault, and such recovery would be contrary to equity and good conscience.

In the administration of the Retirement Act, cases occasionally arise in which annuitants are reemployed in the Federal service and, without knowledge that annuity payments cannot be paid concurrently with salary for services rendered, accept dual payments. Since the salary payments may be less than the annuity payments, the recovery of annuity payments in such cases often results in serious hardship. In one such case, an annuitant receiving annuity of \$96.50 per month served under the Government for a period of almost 7 years at a salary of \$19.50. In this case, the Seventy-seventh Congress, by the enactment of Private Law 525, approved December 1, 1942, relieved the annuitant from repayment of annuity otherwise illegally paid.

The committee do not feel that such of these cases as merit similar consideration should require the special attention and time of Congress for individual handling; rather it is believed that general administrative authority, similar to the authority already granted by law to the Veterans' Administration in cases arising under its jurisdiction, should be accorded the Civil Service Commission to pass upon these cases.

The Civil Service Commission has recommended the enactment of this bill.

ST. MARY'S

THE CHURCH OF THE HOLY TRINITY

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Calendar No. 816

78TH CONGRESS
2D SESSION

S. 461

[Report No. 804]

IN THE SENATE OF THE UNITED STATES

JANUARY 21, 1943

Mr. DOWNEY introduced the following bill; which was read twice and referred to the Committee on Civil Service

APRIL 24 (legislative day, APRIL 12), 1944

Reported by Mr. DOWNEY, without amendment

A BILL

To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 17 of the Civil Service Retirement Act, ap-
4 proved May 29, 1930, as amended, is further amended by
5 adding thereto a further paragraph reading as follows:
6 “Notwithstanding any other provision of this Act, there
7 shall be no recovery of annuity payments from any annuitant
8 under this Act who, in the judgment of the Civil Service
9 Commission, is without fault and when, in the judgment
10 of the Civil Service Commission, such recovery would be
11 contrary to equity and good conscience.”

A BILL

To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

By Mr. DOWNER

JANUARY 21, 1943

Read twice and referred to the Committee on
Civil Service

APRIL 24 (legislative day, April 12), 1944

Reported without amendment



and, in pleading for unity of the Allied Nations and among the soldiers who are fighting a common enemy, if anyone deserves to be court-martialed, it would seem to me they would be the officers and men who have let their bigotry and intolerance turn them into tools of our enemy—the people who by their Nazi-like behavior have sown mistrust and enmity among our own forces.

The situation created by the anti-semitism in the Polish Army is not consistent with the principles for which this war is being fought by all the decent, liberty-loving people of the world. I, as one member of Congress, feel that it is just as much a part of my responsibility to call this disgraceful and dangerous situation to the attention of the American people and to the governments in exile who are part of the Allied Nations.

I think that any soldier in the Polish Army, whether he be Jew, Catholic, or protestant, who was told by his commanding officer and fellow soldiers that Hitler was right in killing all the people he had slaughtered because they were Jews or Catholics or protestants, or whatever the excuse may have been, and that they would prefer killing some of our Allies—any soldier who has any intellectual integrity and any understanding of the underlying causes and principles of this war would rather face a court martial than serve under such an officer and with such "comrades."

It seems to me, Mr. Speaker, that this country and our State Department and our War Department ought to take judicial notice of what is going on in the Polish Army and send word to them that we in America do not sympathize with the court martial of the men who prefer to join the British Army, to fight our common enemy, instead of being abused by some so-called allies who are in sympathy with our enemies.

This is not just one people's fight against an aggressor—it is a fight for survival of civilization. No general, no officer or man within our ranks should be permitted to serve our enemies by creating disunity among our fighting men who are ready and willing to give their lives to destroy the hatred and intolerance which brought the world to the brink of destruction.

Mr. Speaker, I think that the records should be examined carefully, and proper steps taken to prevent recurrence of such incidents.

Mr. RAMEY. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Ohio.

Mr. RAMEY. I commend the gentleman from New York on his statement. When he says as one Congressman that it should be called to our attention, I agree with him in toto.

Mr. DICKSTEIN. I am very grateful to the gentleman for his contribution.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BUFFETT (at the request of Mr. CURTIS), for 1 week, on account of public business.

To Mr. WEICHEL of Ohio for April 27 and 28, on account of official business.

EXTENSION OF REMARKS

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. WHITTINGTON] may extend his remarks in the RECORD today following the remarks of the gentleman from Mississippi [Mr. WHITTEN] with reference to the death of Mr. George Morris.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signatures to enrolled bills of the Senate of the following titles:

S. 45. An act to amend section 3 of the act of June 7, 1924 (43 Stat. 653; 16 U. S. C. 566); and

S. 1757. An act to amend an act entitled "An act to fix the salaries of officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia."

ADJOURNMENT

Mr. RAMSPECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 25 minutes p. m.) the House adjourned until tomorrow, Thursday, April 27, 1944, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(Thursday, April 27, 1944)

The Committee on World War Veterans' Legislation will meet in executive session on Thursday, April 27, 1944, at 10:30 a. m., for the consideration of S. 1767.

COMMITTEE ON ROADS

(Thursday, April 27, 1944)

The House Committee on Roads will meet at 10 a. m. Thursday, April 27, 1944, in room 1011, New House Office Building, to hold hearings on H. R. 2426.

COMMITTEE ON PATENTS

(Thursday, April 27, 1944)

There will be a meeting of the Committee on Patents on Thursday, April 27, 1944, at 10:30 a. m., in the committee room, 416 House Office Building, to consider H. R. 2987, a bill to provide equitable compensation for useful suggestions or inventions by personnel of the Department of the Interior.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1470. A communication from the President of the United States, transmitting a supplemental estimate of appropriation in the amount of \$89,000, for the fiscal year ending June 30, 1944, to remain available until expended, for the War Department for flood control, general (H. Doc. No. 551); to the Committee on Appropriations and ordered to be printed.

1471. A communication from the President of the United States transmitting a draft of a proposed provision and a supplemental

estimate of appropriation in the amount of \$3,350,000 pertaining to an appropriation for the Employees' Compensation Commission for the fiscal year 1945, in the form of amendments to the Budget for that fiscal year (H. Doc., No. 552); to the Committee on Appropriations and ordered to be printed.

1472. A communication from the President of the United States, transmitting a supplemental estimate of appropriation in the amount of \$258,700, for the Department of Labor, for the fiscal year 1945, in the form of an amendment to the Budget for said fiscal year (H. Doc. No. 553); to the Committee on Appropriations and ordered to be printed.

1473. A communication from the President of the United States, transmitting an estimate of appropriation for the National Capital Park and Planning Commission, for the fiscal year 1945, in the amount of \$740,000 (H. Doc. No. 554); to the Committee on Appropriations and ordered to be printed.

1474. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the District of Columbia, fiscal year 1945, involving an increase of \$750,069, in the form of amendments to the Budget for said fiscal year (H. Doc. No. 555); to the Committee on Appropriations and ordered to be printed.

1475. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 13, 1942, submitting a report, together with accompanying papers, on a preliminary examination and survey of San Luis Rey River, Calif., authorized by the Flood Control Act approved June 22, 1936; to the Committee on Flood Control.

1476. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal by various Government agencies; to the Committee on the Disposition of Executive Papers.

1477. A letter from the Alien Property Custodian, transmitting a copy of the quarterly estimate of personnel requirements for the period ending June 30, 1944; to the Committee on the Civil Service.

1478. A letter from the President, United States Civil Service Commission, transmitting a draft of a proposed bill to provide for lump-sum payments for accumulated leave due to Government officers and employees at death or upon separation from the service; to the Committee on the Civil Service.

1479. A letter from the Administrator of Veterans' Affairs, transmitting a copy of the information furnished the Director of the Bureau of the Budget for the purpose of making a determination of the Veterans' Administration personnel requirements for the fourth quarter of the 1944 fiscal year; to the Committee on the Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SLAUGHTER: Committee on Rules. House Resolution 517. Resolution for the consideration of H. R. 4485, a bill authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes; without amendment (Rept. No. 1391). Referred to the House Calendar.

Mr. CRAVENS: Committee on the Judiciary. H. R. 4349. A bill to exempt certain officers and employees of the National War Labor Board from certain provisions of the Criminal Code; without amendment (Rept. No. 1392). Referred to the House Calendar.

Mr. CRAVENS: Committee on the Judiciary. H. R. 4446. A bill to exempt certain officers and employees within the Office of Scientific Research and Development from

certain provisions of the Criminal Code; without amendment (Rept. No. 1393). Referred to the House Calendar.

Mr. CRAVENS: Committee on the Judiciary. H. R. 4468. A bill to exempt certain officers and employees of the War Department from certain provisions of the Criminal Code and Revised Statutes; without amendment (Rept. No. 1394). Referred to the House Calendar.

Mr. JOHNSON of Oklahoma: Committee on Appropriations. H. R. 4679. A bill making appropriations for the Department of the Interior for the fiscal year ending June 30, 1945, and for other purposes; without amendment (Rept. No. 1395). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSPECK: Committee on the Civil Service. H. R. 1475. A bill to amend further the Civil Service Retirement Act approved May 29, 1930, as amended; without amendment (Rept. No. 1396). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSPECK: Committee on the Civil Service. H. R. 1725. A bill to authorize heads of departments and agencies to delegate to subordinates the authority to employ persons for duty in departments or the field service; without amendment (Rept. No. 1397). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSPECK: Committee on the Civil Service. H. R. 2224. A bill to extend certain benefits of the Canal Zone Retirement Act of March 2, 1931, as amended, to certain employees covered by the Civil Service Retirement Act of May 29, 1930, as amended; without amendment (Rept. No. 1398). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BURCH of Virginia:

H. R. 4680. A bill to amend an act to grant increases in compensation to substitute employees in the Postal Service, and for other purposes, Public No. 266, Seventy-eighth Congress, chapter 134, second session (H. R. 2836), approved March 24, 1944; to the Committee on the Post Office and Post Roads.

By Mr. BURCHILL of New York:

H. R. 4681. A bill to reduce the tax on admissions to cabarets, roof gardens, and similar entertainments; to the Committee on Ways and Means.

By Mr. GOSSETT:

H. R. 4682. A bill to amend the Judicial Code with respect to geographical representation on the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. REES of Kansas:

H. R. 4683. A bill to amend the Civil Service Retirement Act approved May 29, 1930, as amended, so as to exempt annuity payments under such act from taxation; to the Committee on the Civil Service.

H. R. 4684. A bill to extend certain benefits under the Civil Service Retirement Act to employees with not less than 5 years' service who are voluntarily separated from the service; to the Committee on the Civil Service.

By Mr. FERNANDEZ:

H. R. 4685. A bill to provide for the establishment and operation of a military aviation academy; to the Committee on Military Affairs.

By Mr. MILLER of Connecticut:

H. R. 4686. A bill establishing the methods of advancement for post-office employees in the field service but not to be construed as supplanting any civil-service regulations already in effect; to the Committee on the Post Office and Post Roads.

By Mr. BURCH of Virginia:

H. R. 4687. A bill relating to issuance of postal notes; to the Committee on the Post Office and Post Roads.

By Mr. HOLIFIELD:

H. R. 4688. A bill to make a token payment to members of selective-service boards; to the Committee on Military Affairs.

By Mr. KNUTSON:

H. J. Res. 266¹ (by request). Joint resolution to amend section 124 (f) (3) of the Internal Revenue Code, relating to amortization of emergency facilities; to the Committee on Ways and Means.

By Mr. LANE:

H. Res. 518. Resolution authorizing the House Committee on the Judiciary to investigate the decree of the United States District Court for the District of Maryland in re James B. Dunn; to the Committee on Rules.

H. Res. 519. Resolution providing for the expenses incurred by the special committee authorized by House Resolution 518; to the Committee on Accounts.

By Mr. O'TOOLE:

H. Res. 520. Resolution to amend the rules of the House of Representatives to provide for three chaplains instead of the present one; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Municipal Assembly of Sabana Grande, P. R., memorializing the President and the Congress of the United States to approve Congressman McGehee's resolution to remove from office Gov. Rexford G. Tugwell; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN of Louisiana:

H. R. 4689. A bill for the relief of Vonnice Jones, a minor; to the Committee on Claims.

By Mr. BUSBEY:

H. R. 4690. A bill granting a pension to Joseph J. Mann; to the Committee on Invalid Pensions.

By Mr. HAYS:

H. R. 4691. A bill for the relief of the Plainview-Rover School District No. 7 of Yell County, Ark.; to the Committee on Claims.

By Mr. MILLER of Connecticut:

H. R. 4692. A bill for the relief of B. H. Mathies; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

5560. By Mr. BRADLEY of Pennsylvania: Petition of sundry citizens of Philadelphia, Pa., opposing passage of House bill 2082; to the Committee on the Judiciary.

5561. By Mr. FULMER: Senate resolution submitted by James H. Fowles, clerk of the South Carolina Senate, Columbia, S. C., memorializing the National Congress to pass World War No. 2 bill of rights; to the Committee on World War Veterans' Legislation.

5562. By Mr. GRAHAM: Petition of 19 residents of Beaver Falls, Pa., favoring the establishment of a Christian world order; to the Committee on Foreign Affairs.

5563. By Mr. EDWIN ARTHUR HALL: Petitions of the Hall Furlough Club, No. 5, Vestal, N. Y., and signed by 76 residents of the Thirty-fourth Congressional District, urging the passage of the Hall furlough bill (H. R. 1504) providing free transportation during furlough for members of our armed forces; to the Committee on Military Affairs.

5564. By Mr. LANE: Resolution adopted April 18, 1944, by the House of Representatives of Massachusetts, urging improved and additional air-line service for the Commonwealth of Massachusetts; to the Committee on Interstate and Foreign Commerce.

5565. By Mr. MARTIN of Iowa: Petition submitted by Shirley Rich, Mortar Board Chapter, State University of Iowa, Iowa City, Iowa, and signed by 1,275 members of the Mortar Board Chapters of the United States relative to the policies which they believe should be included in the peace settlement; to the Committee on Foreign Affairs.

5566. By Mr. ROLPH: Resolution of the Joint Council of Postal Groups, San Francisco, urging that Congress enact a time-and-one-half-pay-for-overtime bill for all postal employees, based on a 253-day work year; dated March 28, 1944; to the Committee on the Post Office and Post Roads.

5567. By the SPEAKER: Petition of the secretary, the Bar Association of Baltimore City, petitioning consideration of their resolution with reference to opposition of all legislation which would repeal our dual system of government; to the Committee on the Judiciary.

5568. Also, petition of the secretary, Carthage Chamber of Commerce, Carthage, Mo., petitioning consideration of their resolution with reference to international air policy; to the Committee on Interstate and Foreign Commerce.

FURTHER AMENDING THE CIVIL SERVICE RETIREMENT
ACT, APPROVED MAY 29, 1930, AS AMENDED

APRIL 26, 1944.—Committed to the Committee of the Whole House on the state
of the Union and ordered to be printed

Mr. RAMSPECK, from the Committee on the Civil Service, submitted
the following

R E P O R T

[To accompany H. R. 1475]

The Committee on the Civil Service, to whom was referred the bill
(H. R. 1475) to further amend the Civil Service Retirement Act,
approved May 29, 1930, as amended, having considered the same,
report favorably thereon without amendment and recommend that
the bill do pass.

STATEMENT

The civil service retirement law specifies that in cases where a
retired person reenters Federal employment, his annuity shall be
terminated until again retired. In other words, when an annuitant
is reappointed to Federal employment, he may not receive annuity
payments in addition to his salary.

However, cases occasionally arise in the administration of the
retirement law wherein an annuitant was reemployed in the Federal
service, and, without the knowledge that he had violated some pro-
vision of the law, has accepted both his annuity and the salary attached
to his position. The belated discovery of these illegal dual payments
results in the termination of annuity without right to future annuity
payments until the overpayment has been refunded to the Govern-
ment.

The Civil Service Commission asks for general administrative
authority to pass upon these cases such as was accorded in Private
Law No. 525, Seventy-seventh Congress, approved December 1, 1942,
which relieved one Earl Carbaugh from repayment of his annuity
otherwise illegally paid.

It is the intent of this bill to grant the Civil Service Commission
such authority.

For the information of the membership of the House there is printed below a letter from the Civil Service Commission, which is self-explanatory:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., January 29, 1943.

HON. ROBERT RAMSPECK,
Chairman, Committee on the Civil Service, House of Representatives.

DEAR MR. RAMSPECK: The Commission desires to refer to H. R. 1475, a bill introduced by you on January 25, 1943, to authorize the waiver of recovery of annuity payments from any annuitant under the Civil Service Retirement Act who, in the judgment of this Commission, is without fault and when, in the judgment of the Commission, such recovery would be contrary to equity and good conscience, and to your recent letter regarding same.

In the administration of the retirement law, cases occasionally arise wherein an annuitant was reemployed in the Federal service without knowledge that he had violated some provision of law or that the annuity could not be paid concurrently with salary for services rendered. Some of these cases involve such reemployment for a number of years with resultant illegal dual payments over that time, and in a few instances the salary is no more or even less than the annuity.

The Commission is making every possible effort to prevent the happening of this eventuality, but the belated discovery that these circumstances have existed in a particular instance creates a difficult situation. The immediate result is, of course, the suspension or termination of annuity with no right to future annuity payments until the overpayment has been recovered. This works a very definite hardship in most cases which the Commission feels is not warranted by the facts in certain instances. Witness the case of Earl Carbauh who, while receiving annuity of \$96.50 per month, served under the Government for a period of almost 7 years at a monthly salary of \$19.50; in this case, the Seventy-seventh Congress saw the need for remedial legislation and by Private Law 525 (approved December 1, 1942) relieved this annuitant from repayment of the annuity otherwise illegally paid.

This office does not feel that such of these cases as merit similar consideration should require the special attention and time of Congress for individual handling; rather it is believed that general administrative authority should be accorded the Commission to pass upon these cases similar to the authority already granted by law to the Veterans' Administration in cases arising under its jurisdiction. The Commission, therefore, recommends that H. R. 1475 be enacted into law.

The Bureau of the Budget advises that there would be no objection to the proposed legislation.

Very sincerely yours,

HARRY B. MITCHELL, *President.*

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, existing law is printed below in roman and that proposed in italics.

Section 17 of the Civil Service Retirement Act, approved May 29, 1930:

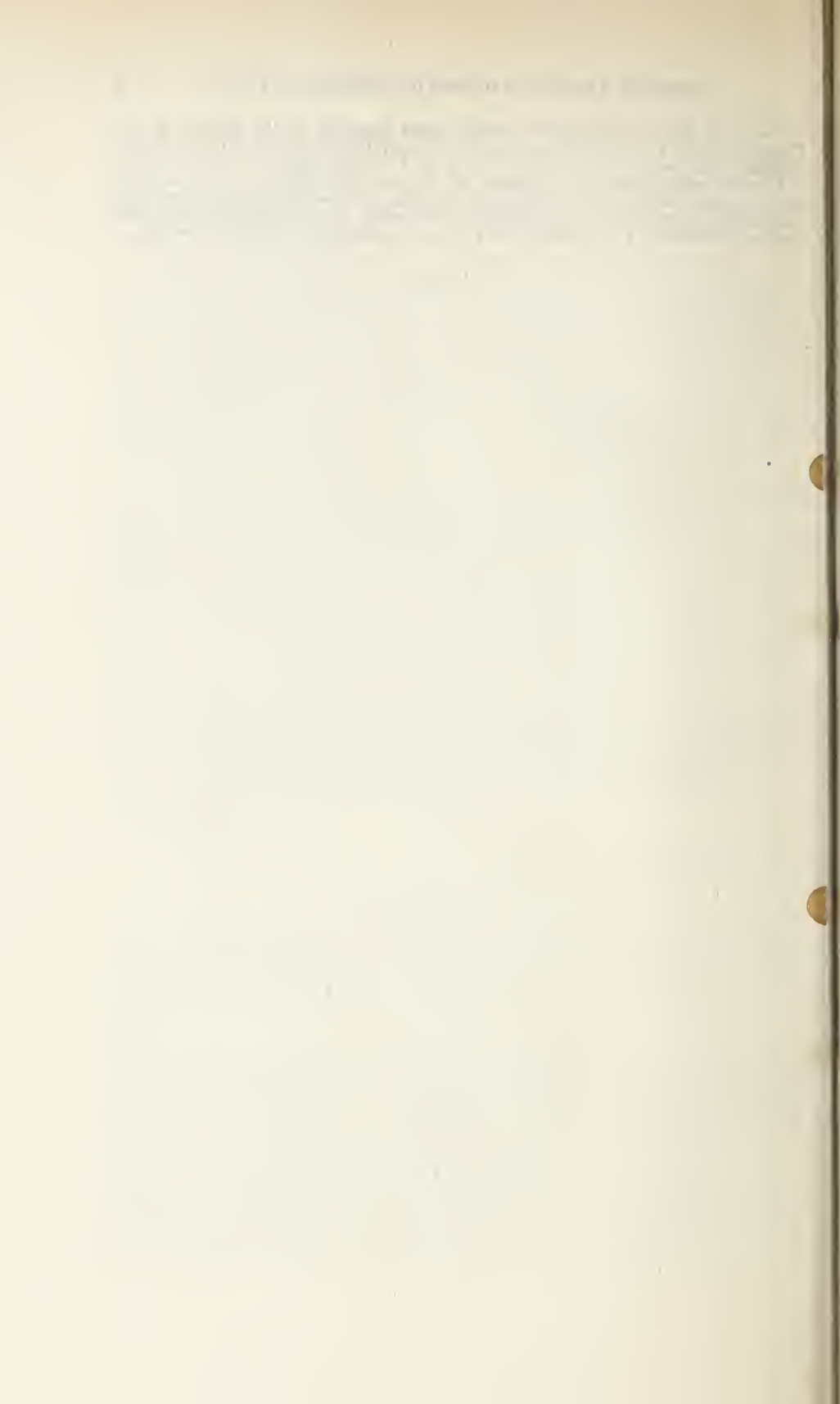
SEC. 17. For the purpose of administration, except as otherwise provided herein, the Civil Service Commission is hereby authorized and directed to perform, or cause to be performed, any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this Act into full force and effect. An appeal to the Civil Service Commissioners shall lie from the final action or order of the Civil Service Commission affecting the rights or interests of any person or of the United States under this Act, the procedure on appeal to be as prescribed by the Civil Service Commission.

The Civil Service Commission shall make a detailed comparative report annually showing all receipts and disbursements on account of annuities, refunds, and allowances, together with the total number of persons receiving annuities and the total amounts paid them, and shall transmit to Congress the reports and recommendations of the Board of Actuaries.

The Civil Service Commission shall submit annually to the Bureau of the Budget estimates of the appropriations necessary to finance the retirement and disability fund and to continue this Act in full force and effect.

Notwithstanding any other provision of this Act, there shall be no recovery of annuity payments from any annuitant under this Act who, in the judgment of the Civil Service Commission, is without fault and when, in the judgment of the Civil Service Commission, such recovery would be contrary to equity and good conscience.





78TH CONGRESS
2D SESSION

H. R. 1475

[Report No. 1396]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1943

Mr. RAMSPECK introduced the following bill; which was referred to the Committee on the Civil Service

APRIL 26, 1944

Committed to the Committee of the Whole House on the state of the Union
and ordered to be printed

A BILL

To amend further the Civil Service Retirement Act, approved
May 29, 1930, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 17 of the Civil Service Retirement Act, ap-
4 proved May 29, 1930, as amended is further amended by
5 adding thereto a further paragraph reading as follows:

6 “Notwithstanding any other provision of this Act, there
7 shall be no recovery of annuity payments from any annuitant
8 under this Act who, in the judgment of the Civil Service
9 Commission, is without fault and when, in the judgment of
10 the Civil Service Commission, such recovery would be con-
11 trary to equity and good conscience.”

A BILL

To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

By Mr. RAMSPECK

JANUARY 25, 1943

Referred to the Committee on the Civil Service

APRIL 26, 1944

Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

18. PERSONNEL. Passed without amendment H.R. 1475, to amend the Civil Service Retirement Act so as to prohibit recovery of annuity payments from any annuitant when such recovery would be contrary to equity and good conscience (p. 3944); (Congressional Record incomplete; information checked with House Bill Clerk.)

LONDON, ENGLAND, April 12, 1944.
Senator DAVID I. WALSH,
United States Senate,
Washington, D. C.

DEAR SIR: As an American citizen caught here in this country since July 1939, I have been much interested in the cause of the Poles, who, as you realize, have suffered as a nation in many ways from this war, probably more than any of the Allied Nations so far, having borne the brunt of Hitler's first full-force attack in Europe.

For some months I have been working personally to help in every way in the tragic situation of the deportee (both Polish and those from the Baltic states) who were taken on a few hours' notice in 1939 by the Soviet Government from their homes and dumped in various isolated districts of vast Russia.

I appeal to you and others of our legislative body on behalf of these suffering peoples now stranded within the territories of one of our most powerful allies. I understand that the present administration has set up with certain of our allies an organization to deal with relief and rehabilitation work in Allied territories as they become liberated. And this organization is known as U. N. R. R. A. I also understand our consulate departments are now under instructions to give help to Allied refugees. Yet I know of no provision so far made by the administration for relief to these Polish and Baltic states subjects in their tragic need now located in Russia.

The enclosed reprints all written by people with access to authentic sources of information describe to some extent the sufferings of these people. I myself am the author of one of the letters published by the Manchester Guardian which is a newspaper of the highest standing in England. I ask you this question. Is it not within the power of the Members of our legislative body to appoint a committee of inquiry to investigate why nothing has been done by our many relief organizations, including the American Red Cross and those newly set up to provide for the relief of those people in Russia whose sufferings are one of the byproducts of this terrible war? Even though the difficulties of transportation are great in Russia, it is certainly practicable to deliver relief materials if war materials are being delivered. As you will note from my published letter it is definitely practicable to get relief to individuals among these people in small packages.

Hoping that you will agree with me that this is a cause deserving of large-scale and prompt relief by our relief agencies and that you will bring this subject into publicity among your colleagues with the idea of rousing their interest and action.

I am,

Sincerely yours,

ELEANOR R. NALLE.

United States address: Hazelhurst Farm,
Somerset post office, Virginia.

[From the Manchester Guardian of January 15, 1944]

POLES IN RUSSIA

To the EDITOR OF THE MANCHESTER GUARDIAN.
Sir: May I be permitted to express my views as an American on the subject of the tragic situation of the enforced exiles from Poland and the Baltic States in Russia?

From personal interviews with evacuees from Russia's vast isolated districts I know that the sufferings of this group of roughly over 600,000 Polish subjects and over 150,000 Estonians, Latvians, and Lithuanians are not propaganda reports but cold facts. The report that Russian children are also suffering from lack of proper food, clothing, and shelter makes the situation all the more worthy of organized relief on a large scale, and right now before it is too late. Naturally my countrymen, if they fully realized this situation, would ask, "If war materials are

going to Russia via Archangel and Tehran, why cannot relief materials, food, clothing, and medical supplies be going via the same routes for the specific purpose of relieving the condition of these exiles and the Russian children?"

Learning on unquestionable authority that the Polish Red Cross in Tehran has a list of individual names and addresses of approximately 200,000 Polish subjects in Russia, it seems logical to suggest that some system be organized on a large scale to send individual packages of food, clothes, etc., to these exiles. The Society of Friends, together with the American Red Cross, might undertake this work, with headquarters at Tehran. The writer considers this method under the conditions would be the only practicable and effective way of dealing with this problem. The public would be interested to know that there is now no international organization whatsoever in Russia for distribution of relief supplies.

Surely our Russian brothers in arms, so industrious in their work and so incredibly brave and persevering in their battles, will cooperate with us, their western allies, in this matter of humanitarian work within their own country.

Yours, etc.,

ELEANOR RITCHIE NALLIE,
Member American National Red Cross.
LONDON, W. 1, January 9.

RESTORATION OF STANDARD TIME—RESOLUTION BY KANSAS GRANGES

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred a resolution adopted by the members of Hawkeye Grange, No. 1050, McPherson County; Highland Grange, No. 1790, and Macon Grange, No. 1794, Harvey County, Kans., urging that standard time be restored. The farmers of the country never have believed in the change to war time; it interferes seriously with many farming operations and with farm life and living. And for myself I fail to see the advantages that were claimed would result from this dislocation.

There being no objection, the resolution was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

NEWTON, KANS., April 21, 1944.

The Honorable Senator CAPPER,

Washington, D. C.

DEAR SIR: We, the members of the Hawkeye Grange, No. 1050, in McPherson County; the Highland Grange, No. 1790, and the Macon Grange, No. 1794, in Harvey County, comprising 294 members, at a meeting of the Pomona Grange, voted to kindly ask you to make every effort to revert back to standard time as the war time is very inconvenient for agriculture.

Thanking you kindly, we are

Respectfully,

C. A. TINSLEY, Master.

LILLIAN TANGEMAN, Secretary.

PERMANENT UNIVERSAL MILITARY SERVICE—RESOLUTIONS FROM KANSAS

Mr. CAPPER. Mr. President, I have received a letter embodying resolutions approved by representatives of nearly every college in Kansas, at a post-war conference held in Lawrence, Kans., April 17 and 18, 1943, urging that consideration and adoption of permanent universal military service by Congress be postponed until after the war.

It seems to me that there is considerable merit in such a postponement. As

pointed out in an accompanying statement from Dean Paul B. Lawson, college of liberal arts and sciences at the University of Kansas, it is impossible to know what our future military needs will be until we are able to obtain some sort of picture of the post-war world.

Moreover, a program dealing with universal military service will receive better and more sensible consideration after we are through with the emotional stresses and strains of a nation at war.

I agree with these educators also that the returned servicemen should have a say in what kind of a military establishment the United States is to have in peacetime, and, obviously, they can have little if any influence on such legislation while they are overseas in the armed forces. I ask unanimous consent to have printed in the RECORD as part of my remarks the resolutions and statement from Dean Lawson, which I send to the desk.

There being no objection, the letter embodying resolutions was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF KANSAS,

Lawrence, Kans., April 21, 1944.

Senator ARTHUR CAPPER,
United States Senate,
Washington, D. C.

MY DEAR SENATOR CAPPER: At a conference on post-war college problems, held at the University of Kansas on April 17 and 18, and to which practically every college in the State sent its key men as representatives, the following resolution was adopted:

"Resolved, That it is the sense of this conference that no action on any plan for universal military training in peacetime should be taken by the Congress of the United States until after the cessation of hostilities.

"Resolved further, That the above resolution be transmitted to the Senators and the Representatives from the State of Kansas."

I was instructed by the conference to transmit this resolution to you with the explanation that the resolution is not to be construed in any way as opposing universal military training. The conference, however, opposed immediate action by the Congress on this question for the following reasons:

1. It is impossible to know what our future military needs will be until the war has ended and until the peace terms give us a clearer picture of post-war world conditions.

2. The wisest provisions for such a radical change in American life as universal military service in peacetime cannot be worked out in a judicious manner under the emotional stresses and strains of a nation at war.

3. There are a number of ways in which a universal military training program can be set up. Some plans might be seriously detrimental both to students and schools, and others need not be a handicap to either. All of these ways should be carefully studied before any one of them is enacted into law.

4. The men in the armed forces should have the opportunity to make their contribution to the thinking on this subject, and we cannot see that there is any need to hurry a decision on such a major question before their return from overseas.

I believe this resolution represents the considered thought of a very large majority, if not all, of the administrators of our Kansas colleges. I am very sure this group would be deeply grateful to you for your careful consideration of the question, and I personally want to thank you for the attention which I know you will give it.

Sincerely yours,

PAUL B. LAWSON, Dean.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

S. 1885. A bill for the relief of Oscar Griggs (with accompanying papers); to the Committee on Claims.

By Mr. WALSH of Massachusetts:

S. 1886. A bill to provide for the reimbursement of the town of Watertown, Mass., for the loss of taxes on certain property in such town acquired by the United States for use for military purposes; to the Committee on Claims.

By Mr. CLARK of Missouri:

S. 1887. A bill to provide for emergency flood-control work made necessary by recent floods, and for other purposes; to the Committee on Commerce.

By Mr. LANGER:

S. 1888. A bill to authorize suits for benefits claimed to be payable under laws administered by the Veterans' Administration, and for other purposes; to the Committee on Finance.

S. 1889. A bill to provide for use and delivery for irrigation purposes of waters stored at Fort Peck Dam, Mont.; to the Committee on Irrigation and Reclamation.

By Mr. GILLETTE:

S. J. Res. 128. Joint resolution relating to the employment of counsel to the subcommittee of the Committee on Agriculture and Forestry of the Senate investigating certain matters; to the Committee on the Judiciary.

By Mr. BARKLEY:

S. J. Res. 129. Joint resolution to provide for the reappointment of Harvey N. Davis and Arthur H. Compton as members of the Board of Regents of the Smithsonian Institution; to the Committee on the Library.

HOUSE BILLS REFERRED OR PLACED ON THE CALENDAR

The following bills were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated:

H. R. 1268. An act for the relief of the estate of Ida Londinsky;

H. R. 1919. An act for the relief of Vannie Butler;

H. R. 2605. An act for the relief of Charles W. Kirby;

H. R. 2674. An act for the relief of Adolphus M. Holman;

H. R. 3033. An act for the relief of Tressie Spring and Mrs. Hazel Stutte;

H. R. 3464. An act for the relief of Ralph W. Cooley;

H. R. 3695. An act for the relief of the estate of Thomas Shea, deceased;

H. R. 3753. An act for the relief of the legal guardian of Virginia McMillan, a minor, and Howard McMillan;

H. R. 3929. An act for the relief of Katherine Scherer;

H. R. 3976. An act for the relief of Charles L. Kee; and

H. R. 4525. An act for the relief of M. Grace Murphy, administratrix of the estate of John H. Murphy; to the Committee on Claims.

H. R. 1475. An act to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended; ordered to be placed on the calendar.

H. R. 2085. An act to provide for the disposition of tribal funds of the Minnesota Chippewa Tribe of Indians; to the Committee on Indian Affairs.

H. R. 2224. An act to extend certain benefits of the Canal Zone Retirement Act of March 2, 1931, as amended, to certain employees covered by the Civil Service Retirement Act of May 29, 1930, as amended; and

H. R. 4307. An act to amend the Canal Zone Code; to the Committee on Inter-oceanic Canals.

H. R. 2782. An act to grant Government employees who are members of certain military units leaves of absence for periods of active service; to the Committee on Civil Service.

H. R. 3688. An act to change the name of "watchman" in the Postal Service to that of "post-office guard";

H. R. 3998. An act authorizing payments of rewards to postal employees for inventions;

H. R. 4680. An act to amend an act to grant increases in compensation to substitute employees in the Postal Service, and for other purposes, Public, No. 266, Seventy-eighth Congress, chapter 134, second session (H. R. 2836), approved March 24, 1944; and

H. R. 4687. An act relating to issuance of postal notes; to the Committee on Post Offices and Post Roads.

H. R. 4054. An act to extend the times for commencing and completing the construction of a bridge across the Calcasieu River at or near Lake Charles, La.; to the Committee on Commerce.

H. R. 4108. An act relating to escapes of prisoners of war and interned enemy aliens;

H. R. 4109. An act to amend section 48 of the Criminal Code relating to receiving of stolen public property; and

H. R. 4348. An act to amend the Act approved August 18, 1942, entitled "An act to facilitate the disposition of prizes captured by the United States during the present war, and for other purposes"; to the Committee on the Judiciary.

H. R. 4519. An act to authorize the Administrator of Veterans' Affairs to furnish seeing-eye dogs for blind veterans; to the Committee on Finance.

H. R. 4623. An act to authorize the use of space in the old post-office building in Portland, Oreg., by the State of Oregon for its use as a museum for relics from the battleship *Oregon*, together with all other historical documents, objects, and relics of Oregon and the Old Oregon Country held by the State for public display; to the Committee on Public Buildings and Grounds.

AMENDMENT RELATING TO CIVIL SERVICE RETIREMENT FUND

Mr. MEAD submitted an amendment intended to be proposed by him to the bill (H. R. 4320) relating to the computation of interest on contributions to the civil-service retirement fund returned to employees upon their separation from the service, which was ordered to lie on the table and to be printed.

EXTENSION OF EMERGENCY PRICE CONTROL ACT—AMENDMENTS

Mr. JOHNSON of Colorado submitted sundry amendments intended to be proposed by him to the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.), which were severally referred to the Committee on Banking and Currency and ordered to be printed.

USE OF RAYON AND OTHER SYNTHETIC PRODUCTS AS SUBSTITUTES FOR COTTON AND WOOL

Mr. BANKHEAD submitted the following resolution (S. Res. 291), which was referred to the Committee on Agriculture and Forestry:

Resolved, That the Committee on Agriculture and Forestry, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete study

and investigation with respect to the use of rayon and other synthetic products as substitutes for cotton and wool, including the extent of the use of such synthetic products and their effect upon the Nation's economy, the cost, utility, and economy of such synthetic products, the material and manpower required for their production and the effect of using such material and manpower for that purpose, the extent to which and terms upon which Government agencies have encouraged and financed the production of such synthetic products, and such other matters related to such products as the committee deems appropriate. The committee shall report to the Senate at the earliest practicable date the results of its study and investigation, together with such recommendations as it may deem desirable.

For the purpose of this study and investigation, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-eighth Congress, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee under this resolution, which shall not exceed \$10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

STATUS OF RETIRED JUDGES

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 156) relating to the status of retired judges, which were, on page 2, line 9, to strike out "circuit" and insert "judicial"; on page 2, line 10, to strike out "circuit" where it appears the third time; on page 2, line 22, after "provided", to insert "or as provided by an act approved December 29, 1942, entitled 'An act to amend the Judicial Code to authorize the Chief Justice of the United States to assign circuit judges to temporary duty in circuits other than their own'"; on page 4, line 2, after "residence", to insert "at the time of his appointment"; on page 4, line 21, to strike out "circuit" where it appears the second time and insert "judicial"; and on page 4, lines 22 and 23, to strike out "circuit" and insert "judicial."

Mr. KILGORE. I move that the Senate concur in the House amendments which, I think, are very desirable.

The motion was agreed to.

THE PLIGHT OF AMERICA'S WHITE-COLLAR WORKERS—ARTICLE BY SENATOR THOMAS OF UTAH

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an article entitled "20,000,000 Forgotten Americans," written by Senator THOMAS of Utah, and published in the American magazine of May 1944, which appears in the Appendix.]

STATEMENT OF SENATOR TAFT IN VOTING FOR THE CONNALLY RESOLUTION

[Mr. TAFT asked and obtained leave to have printed in the RECORD a statement by him regarding his vote for the Connally resolution, together with a copy of the Connally resolution, which appear in the Appendix.]

Calendar No. 860

78TH CONGRESS
2D SESSION

H. R. 1475

IN THE SENATE OF THE UNITED STATES

MAY 3 (legislative day, APRIL 12), 1944

Read twice and ordered to be placed on the calendar

AN ACT

To amend further the Civil Service Retirement Act, approved
May 29, 1930, as amended.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 17 of the Civil Service Retirement Act, ap-
4 proved May 29, 1930, as amended is further amended by
5 adding thereto a further paragraph reading as follows:

6 “Notwithstanding any other provision of this Act, there
7 shall be no recovery of annuity payments from any annuitant
8 under this Act who, in the judgment of the Civil Service
9 Commission, is without fault and when, in the judgment of
10 the Civil Service Commission, such recovery would be con-
11 trary to equity and good conscience.”

Passed the House of Representatives May 2, 1944.

Attest:

SOUTH TRIMBLE,

Clerk.

Calendar No. 860

78TH CONGRESS
2^D Session

H. R. 1475

AN ACT

To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

May 3 (legislative day, April 12), 1944

Read twice and ordered to be placed on the calendar



MISSISSIPPI RIVER BRIDGE AT SAUK RAPIDS, MINN.

The bill (H. R. 3028) to extend the time for completing the construction of a bridge across the Mississippi River at or near Sauk Rapids, Minn., was considered, ordered to a third reading, read the third time, and passed.

CHRISTIAN WENZ

The bill (H. R. 2332) for the relief of Christian Wenz was considered, ordered to a third reading, read the third time, and passed.

MARGARET HAMILTON AND OTHERS

The bill (H. R. 2757) for the relief of Margaret Hamilton, Mrs. Catherine Higgins, Mrs. Rebecca Sallop, and Mrs. Dora Projansky was considered, ordered to a third reading, read the third time, and passed.

JOHN HIRSCH

The bill (H. R. 1628) for the relief of John Hirsch was considered, ordered to a third reading, read the third time, and passed.

BERNADINE SALMONS

The bill (H. R. 2438) for the relief of Bernadine Salmons was considered, ordered to a third reading, read the third time, and passed.

ESTATE OF GERTRUDE MULLINS

The bill (H. R. 2472) for the relief of the estate of Gertrude Mullins was considered, ordered to a third reading, read the third time, and passed.

FRANK ROBERTSON

The Senate proceeded to consider the bill (S. 1572) for the relief of Frank Robertson, which had been reported from the Committee on Claims, with amendments, on page 1, line 6, after the words "sum of", to strike out "\$50, together with interest thereon at the rate of 4 percent per annum, compounded annually, from February 20, 1919, to the date of payment," and insert "\$86.13"; in line 10, after the figures "\$50", to insert "Fourth", and, after the word "Liberty", to insert "Loan"; and on page 2, line 2, after the words "to him", to insert "with interest at the rate of 4 1/4 percent from date of issue, October 24, 1918, to October 15, 1935, the final redemption date of bonds of said Fourth Liberty Loan."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Robertson, of Portland, Oreg., the sum of \$86.13, in full satisfaction of his claim against the United States for payment on account of a \$50 Fourth Liberty Loan bond which he purchased and paid for through the disbursing office at the United States Navy Yard, Puget Sound, Wash., but which was never delivered to him, with interest at the rate of 4 1/4 percent from date of issue, October 24, 1918, to October 15, 1935, the final redemption date of bonds of said Fourth Liberty Loan: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this

claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

RECOVERY OF PAYMENTS UNDER CIVIL SERVICE RETIREMENT ACT

The bill (S. 461) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended, was announced as next in order.

The ACTING PRESIDENT pro tempore. Calendar No. 860, House bill 1475, is an identical bill. Without objection, the House bill will be substituted for the Senate bill, and will be considered at this time.

There being no objection, the bill (H. R. 1475) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended, was considered, ordered to a third reading, read the third time, and passed.

The ACTING PRESIDENT pro tempore. Without objection, Senate bill 461 will be indefinitely postponed.

DISPOSITION OF TRIBAL FUNDS OF MINNESOTA CHIPPEWA TRIBE OF INDIANS

The bill (S. 873) to provide for the disposition of tribal funds of the Minnesota Chippewa Tribe of Indians was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding any other provision of law, the tribal funds now on deposit or hereafter placed to the credit of the Minnesota Chippewa Tribe of Indians, in the United States Treasury, shall be available for such purposes as may be designated by the tribal council of said tribe and approved by the Secretary of the Interior.

ADDITION OF CERTAIN LANDS TO UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE

The bill (S. 1081) to add certain lands to the Upper Mississippi River Wild Life and Fish Refuge was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to acquire, for and as part of the Upper Mississippi River Wild Life and Fish Refuge, established pursuant to the authority contained in the act of June 7, 1924 (43 Stat. 650), as amended, those tracts of land situated in Wabasha County, Minn., described as lots 6 and 10, section 19, township 110 north, range 9 west, fifth principal meridian, containing approximately one hundred ten and twenty-four one-hundredths acres, which tracts of land were acquired pursuant to authority contained in the acts of June 29, 1888 (25 Stat. 228), and March 2, 1889 (25 Stat. 992), for Indian use, but are no longer used by Indians.

SEC. 2. In order to carry out the provisions of section 1 hereof, the sum of \$1,261.20 from funds heretofore made available to the Fish and Wildlife Service for the purchase of lands for the Upper Mississippi River Wild Life and Fish Refuge is hereby made available for transfer on the books of the Treasury of the United States to the credit of the Medawakanton and Wahpakoota Bands of Sioux Indians, pursuant to the provisions of the act of May 17, 1926 (44 Stat. 560), and said sum, when so transferred, shall operate as

a full, complete, and perfect extinguishment of all their right, title, and interest in and to the lands above described, and shall be subject to disbursement under the direction of the Secretary of the Interior for the benefit of the Medawakanton and Wahpakoota Bands of Sioux Indians. Where groups of such Indians are organized as tribes under the act of June 18, 1934 (48 Stat. 934), the Secretary of the Interior may set apart and disburse for their benefit and upon their request a proportionate part of said sum, based on the number of such Indians so organized.

REPAYMENT AND INCREASE OF CROW INDIAN REVOLVING FUND

The bill (H. R. 2105) extending the time for repayment and authorizing increase of the revolving fund for the benefit of the Crow Indians was considered, ordered to a third reading, read the third time, and passed.

EXCHANGE OF LANDS WITHIN NAVAJO INDIAN RESERVATION, ARIZ.

The bill (H. R. 2143) to authorize the Secretary of the Interior to exchange certain lands within the Navajo Indian Reservation, Ariz., was considered, ordered to a third reading, read the third time, and passed.

ELIMINATION OF PAYMENT OF INTEREST ON REFUND CLAIMS

The Senate proceeded to consider the bill (H. R. 4292) to amend section 12 (b) of the act of May 29, 1930, as amended, which had been reported from the Committee on Civil Service, with amendments, on page 1, line 4, after the word "following", to insert the words "employees" where it appears at the end of; and in line 6, after the word "following" and the colon, to strike out "except that" and insert a colon and the words "Provided further, That."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

COMPUTATION OF INTEREST ON CONTRIBUTIONS TO CIVIL-SERVICE RETIREMENT FUND

The Senate proceeded to consider the bill (H. R. 4320) relating to the computation of interest on contributions to the civil-service retirement fund returned to employees upon their separation from the service, which had been reported from the Committee on Civil Service, with amendments, on page 1, line 7, after the word "month", to insert "in the total service of an officer or employee"; in line 8, after the word "disregarded", to strike out "unless it amounts to more than half a month, in which case it shall be considered as a full month."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RIGHTS OF BENEFICIARIES OF REEMPLOYED ANNUITANTS UNDER CIVIL SERVICE RETIREMENT ACT

The Senate proceeded to consider the bill (S. 198) to amend further section 2 of the Civil Service Retirement Act, ap-

proved May 29, 1930, as amended, which had been reported from the Committee on Civil Service, with amendments, on page 2, line 5, after the words "from the", to strike out the word "basic"; in line 6, after the word "employee", to strike out "a sum equal to the", and insert "at each pay period a proportionate amount of the annual"; in line 9, after the word "annuity", to strike out "received", and insert "elected"; and after line 12, to insert a new section, as follows:

Section 2. The amendment made by the first section of this act shall be effective as of January 1, 1940.

The amendments were agreed to.

Mr. LA FOLLETTE. Mr. President, I send to the desk an amendment which I offer and ask to have stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 9, after the word "receiving", it is proposed to insert "or had located and was otherwise entitled to."

Mr. LA FOLLETTE. Mr. President, I have discussed this amendment with the Senator from California [Mr. Downey], who is chairman of the committee, and I have also discussed it with the retirement authorities. I think the amendment is agreeable to both.

Mr. DOWNEY. Yes; it is.

Mr. LA FOLLETTE. I think it carries out the intent of the bill, as it was reported from the committee, but adds one category which obviously should be taken care of.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That paragraph (b) of section 2 of the Civil Service Retirement Act approved May 29, 1930, as amended, is amended by striking out the period at the end of the first sentence and inserting in lieu thereof a colon and adding the following: "Provided, however, That nothing in this act shall be so construed as to affect the rights of the annuitant's beneficiary if the annuitant has been receiving, or had located and was otherwise entitled to a reduced annuity under section 4 (d) and dies while so reemployed or within 30 days after the termination of his reemployment, but all such rights shall continue and may be enforced in the same manner as if the annuitant had not been reemployed; And provided further, That during such reemployment there shall be deducted and withheld from the salary, pay, or compensation of such employee at each pay period a proportionate amount of the annual difference between the life annuity to which the employee would have been entitled and the reduced annuity elected by the employee. The amounts so deducted and withheld shall be deposited in the Treasury of the United States to the credit of civil service retirement and disability fund."

SEC. 2. The amendment made by the first section of this act shall be effective as of January 1, 1940.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT

The Senate proceeded to consider the bill (S. 1481) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended, which had been reported from the Committee on Civil Service, with an amendment on page 2, line 3, after the word "that", to strike out "where such annuity is payable on account of the same disability for which compensation under such section of said act of September 7, 1916, has been paid," so as to make the bill read:

Be it enacted, etc., That section 6 of the Civil Service Retirement Act, approved May 29, 1930, as amended, is hereby amended by adding at the end thereof the following paragraph:

"Notwithstanding any provision of law to the contrary, the right of any person entitled to an annuity under this act shall not be affected because such person has received an award of compensation in a lump sum under section 14 of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 7, 1916, as amended, except that so much of such compensation as has been paid for any period extended beyond the date such annuity becomes effective, as determined by the United States Employees' Compensation Commission, shall be refunded to the United States Employees' Compensation Commission, to be covered into the Employees' Compensation Fund. Before such person shall receive such annuity he shall (1) refund to such Commission the amount representing such computed payments for such extended period, or (2) authorize the deduction of such amount from the annuity payable to him under this act, which amount shall be transmitted to such Commission for reimbursement to such fund. Deduction from such annuity may be made from accrued and accruing annuity payments, or may be prorated against and paid from accruing payments in such manner as the Employees' Compensation Commission shall determine, whenever it finds that the financial circumstances of the annuitant are such as to warrant such deferred refunding."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NIGHT DIFFERENTIAL FOR CERTAIN EMPLOYEES

The bill (S. 1705) to provide night differential for certain employees was announced as next in order.

The ACTING PRESIDENT pro tempore. Calendar No. 899, House bill 3891, is an identical bill. Is there objection to the consideration of the House bill?

There being no objection, the bill (H. R. 3891) to provide night differential for certain employees, was considered, ordered to a third reading, read the third time, and passed.

The ACTING PRESIDENT pro tempore. Without objection, Senate bill 1705 will be indefinitely postponed.

Mr. MEAD subsequently said: Mr. President, earlier today House bill 3891 was passed. I regret I was not present when the bill was substituted for Senate bill 1705, Calendar No. 828, and passed. I have been authorized by the Civil Service Committee to present a clarifying

and corrective amendment. The amendment is at the desk, but I was not in the Chamber when the bill was considered and passed. So, I now ask that the vote by which House bill 3891 was passed be reconsidered in order that I may offer an amendment to it.

The ACTING PRESIDENT pro tempore. Without objection, the vote by which the bill was passed is reconsidered, and the amendment offered by the Senator from New York will be stated.

The CHIEF CLERK. On page 1, in line 5, after the word "paid", it is proposed to insert a comma and the following: "In respect of their regular workweek of 40 hours and except when in leave."

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill (H. R. 3891) was read the third time and passed.

BILL PASSED OVER

The bill (S. 1419) to authorize collectors of internal revenue to receive cashiers' checks of certain banking institutions in payment for revenue stamps was announced as next in order.

Mr. BARKLEY. Mr. President, at the request of the Senator from Florida [Mr. PEPPER], the author of the bill, I ask that it be passed over.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

INDIANS OF THE FORT BERTHOLD RESERVATION IN NORTH DAKOTA

The bill (S. 338) for the relief of the Indians of the Fort Berthold Reservation in North Dakota was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$400,000, in full and final settlement of all claims and demands of the Indians of the Fort Berthold Indian Reservation in North Dakota, composed of the Arickarees, Gros Ventres, and Mandans, which claims are based upon stipulations of an unratified treaty dated July 27, 1866 (Kappler's Laws and Treaties, vol. 2, p. 1052): *Provided*, That the amount when appropriated shall be deposited in the Treasury of the United States to the credit of the Indians of the Fort Berthold Reservation and shall draw interest in accordance with existing laws: *Provided further*, That not to exceed 5 percent of the amount herein authorized may be used by the Secretary of the Interior for payment of fees and expenses of attorneys employed under contract approved in accordance with existing law.

DISPOSITION OF CERTAIN NONRESERVATION INDIAN LANDS, SHERMAN INSTITUTE, CALIFORNIA

The bill (S. 1580) to authorize the Secretary of the Interior to dispose of certain lands heretofore acquired for the nonreservation Indian boarding school known as Sherman Institute, California, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized in his dis-

On page 2, line 13 and line 14, after the word "Islands", strike out the comma, insert a period, and strike out "or to the United States Court for China." On page 2, line 18, strike out the words "striking therefrom" and insert in lieu the word "changing"; and after the word "clause" insert "in the proviso therein to" and strike out the word "reading" and insert the word "read." On page 2, line 19, strike out the word "including" and substitute in lieu the word "excluding."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. PRIEST. Mr. Speaker, that concludes the call of all bills eligible for consideration at this time.

DIEMER ADISON COULTER

Mr. SPARKMAN. Mr. Speaker, at the last call of the Private Calendar, H. R. 2150, a bill for the relief of Diemer Adison Coulter and Frances Andrews Coulter, was recommitted to the Committee on Claims at the request of the gentleman from Indiana [Mr. SPRINGER].

Mr. Speaker, I ask unanimous consent that the bill H. R. 2150 be restored to the Private Calendar.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

NATIONAL DEFENSE ACT

Mr. ANDREWS of New York. Mr. Speaker, by direction of the Committee on Military Affairs and the majority and minority leaders I ask unanimous consent to take from the Speaker's desk, S. 1157, a bill to amend section 61 of the National Defense Act of June 3, 1916, as amended, for the purpose of providing such training of State and Territorial military forces as is deemed necessary to enable them to execute their internal security responsibilities within their respective States and Territories, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. HARNESS of Indiana. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New York to explain what the bill purports to do.

Mr. ANDREWS of New York. Mr. Speaker, this bill simply authorizes the Secretary of War to extend to State Guard units and similar units in some Territories certain instructions having to do with the protection of vital installations.

Mr. HARNESS of Indiana. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. ANDREWS]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 61 of the National Defense Act of June 3, 1916, as amended, be further amended to read as follows:

"Sec. 61. (a) No State or Territory or Puerto Rico or the Canal Zone shall maintain troops

in time of peace other than as authorized in accordance with the organization prescribed under this act: *Provided*, That nothing contained in this act shall be construed as limiting the rights of the States and Territories and Puerto Rico and the Canal Zone in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this act shall prevent the organization and maintenance of State or Territorial police or constabulary.

"(b) Under such regulations as the Secretary of War may prescribe for the organization, standards of training, instruction, and discipline, the organization by and maintenance within any State or Territory or Puerto Rico or the Canal Zone of such military forces other than a National Guard as may be provided by the laws of such State or Territory is hereby authorized while any part of the National Guard of the State or Territory or Puerto Rico or the Canal Zone concerned is in active Federal service: *Provided*, That under such regulations as the Secretary of War may prescribe for the organization, standards of training, instruction, and discipline, the organization by and maintenance within the Virgin Islands of the United States of such military forces as may be provided by the laws of the Legislative Assembly of the Virgin Islands is hereby authorized: *Provided further*, That such forces shall not be called, ordered, or in any manner drafted, as such, into the military services of the United States; however, no person shall, by reason of his membership in any such unit, be exempted from military service under any Federal law: *Provided further*, That the Secretary of War is authorized in his discretion and under such regulations as he may prescribe to use appropriations for the Military Establishment for any expenses of the United States incident to the training of the military forces authorized by this subsection except for pay, subsistence, medical care and treatment, and transportation of members of such military forces between their homes and the places of performance of such training: *And provided further*, That the Secretary of War, in his discretion and under regulations determined by him, is authorized to issue, from time to time, for the use of such military units, to any State or Territory or Puerto Rico or the Virgin Islands or the Canal Zone, upon requisition of the Governor thereof, such arms, ammunition, clothing, and equipment as he deems necessary. The provisions of this subsection shall terminate upon the expiration of 6 months after the termination of the present war, or at such earlier time as the Congress by concurrent resolution, or the President by proclamation, may designate."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. SAUTHOFF. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a resolution passed by the city of Manitowoc.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

Mr. SAUTHOFF. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an analysis and tables of votes prepared by W. L. Forrest.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[The matter referred to appears in the Appendix.]

PERSONAL EXPLANATION

Mr. MARCANTONIO. Mr. Speaker, on the roll call on the passage of the war contracts bill I was in the building, but did not hear the bells. Consequently, I am not recorded on that bill. If I had voted, I would have voted in the affirmative.

INCREASING PENSIONS FOR CERTAIN REGULAR ESTABLISHMENT VETERANS AND VETERANS OF WARS PRIOR TO WORLD WAR NO. 1

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 4999) to increase the service-connected disability rates of pension for certain Regular Establishment veterans and veterans of wars prior to World War No. 1, and I ask that the same may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. LESINSKI]?

Mr. FISH. Mr. Speaker, reserving the right to object, may we have an explanation of what this bill does?

Mr. LESINSKI. Mr. Speaker, the purpose of this legislation is to grant the same 15 percent increase of pension for service-connected disability to peacetime veterans and veterans of wars prior to World War No. 1 not included in Public Law No. 312, approved May 27, 1944, as was granted by that act to the service-connected disabled veterans of World War No. 1, World War No. 2, and veterans entitled to wartime rates under Public Law No. 359, Seventy-seventh Congress, approved December 19, 1941, for service on or after September 16, 1940.

The enactment of H. R. 4999 will maintain the former relationship between the wartime and peacetime service-connected disability rates, materially affected by the enactment of Public Law No. 312, and will establish uniformity between those entitled to wartime service-connected disability rates. All service-connected disabled veterans are uniformly in need of the increase, and denial to the groups included in this bill works an injustice.

HISTORY OF THE LEGISLATION

For the past two Congresses there have been several bills referred to your committee which have for their purposes the increasing of the rates of pensions of peacetime veterans to 90 percent and 100 percent of the rates of pensions received by wartime veterans for similar service-connected disabilities.

Your committee held hearings on June 8 and 14 on H. R. 919, H. R. 1005, H. R. 1014, and H. R. 4999. The bill, H. R. 4999, was introduced at the request of the Veterans of Foreign Wars, and when General Hines appeared before the committee on June 14 he reported favorably on H. R. 4999, as it will grant to peacetime service-connected disabled veterans and service-connected disabled veterans of wars prior to the World War the same increase of 15 percent granted to other service-connected disabled veterans as provided by Public Law No. 312, Seventy-eighth Congress, approved May 27, 1944.

COST OF THE BILL

The Veterans' Administration, in its report to your committee which is included in House Report No. 1677, states that it is estimated approximately 40,100 veterans of the Regular Establishment and 1,100 veterans of the Spanish-American War, including the Boxer Rebellion and Philippine Insurrection, or a total of 41,200 veterans, would be entitled to the increased rates provided by the bill at a cost of approximately \$2,424,000 for the first year.

EXPLANATION OF THE AMENDMENTS

Both amendments were placed in the bill at the suggestion of the Veterans' Administration.

The first amendment was deemed advisable because identical language was used in section 1 of the act of May 27, 1944, Public Law 312, Seventy-eighth Congress, which increased by 15 percent the rates of compensation or pension payable for service-incurred disabilities to veterans of the World War and the Global War and certain veterans entitled to wartime rates under Public Law No. 359, Seventy-seventh Congress, approved December 19, 1941, for service on or after September 16, 1940. This particular amendment will insure interpretation of the particular restriction uniformly with the identical restriction in Public Law No. 312.

The second amendment has for its purpose the avoiding of injustices. Section 3 of Public Law No. 312 made the increases provided by that act effective the first day of the first month following the passage of the act. Public Law No. 312 was approved May 27, 1944, and the increases were effective June 1, 1944. The increases for the remaining service-connected disability group not covered by Public Law 312 and for whom this bill affords relief should be effective the same date and that is the purpose of this amendment.

Mr. FISH. Where did this bill come from?

Mr. LESINSKI. The bill comes from the Committee on Invalid Pensions.

Mr. FISH. It is now being considered direct on the floor of the House?

Mr. LESINSKI. No. I asked unanimous consent to take it from the Speaker's desk.

Mr. FISH. Did not a similar bill come from the other House committee?

Mr. LESINSKI. No. The other committee considered only World War No. 1 and World War No. 2. This is all prior to World War No. 1. It takes in 40,111 veterans of regular organizations, which means the Army and the Navy, and 1,100 veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, or a total of 41,200 men who were not under that 15-percent increase. All we are asking is to unify the pensions of all veterans prior to World War No. 1, and give them the same type of increase.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. LESINSKI. I yield.

Mr. ROBSION of Kentucky. The gentleman says it covers 40,000 or more veterans, granting them a 15-percent in-

crease? Is that what the bill provides?

Mr. LESINSKI. A 15-percent increase; the same as World War veterans got, during this time of high cost of living.

Mr. ROBSION of Kentucky. Is this approved?

Mr. LESINSKI. It has the green light from General Hines.

Mr. ROBSION of Kentucky. Is it approved by the veterans' organizations of the Regular Establishments?

Mr. LESINSKI. Yes, sir.

Mr. ROBSION of Kentucky. And of the Boxer Rebellion?

Mr. LESINSKI. Yes, sir.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the monthly rates of pension for service-connected disability, exclusive of special awards and allowances, payable under laws administered by the Veterans' Administration to veterans not included in section 1 of Public Law No. 312, Seventy-eighth Congress, approved May 27, 1944, are hereby increased by 15 percent effective as of the 1st day of the month following the passage of this act.

With the following committee amendments:

On page 1, line 4, after the word "allowances" insert "fixed by law."

On page 2, line 2, after the word "or", strike out "the month following the passage of this act" and insert "June 1944."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ROBSION of Kentucky. Mr. Speaker, the Committee on Pensions of the House held hearings and investigated H. R. 4999 now before us for consideration, and which was unanimously reported favorably by the Pension Committee. This bill provides for an increase of 15 percent of the compensations or pensions now payable for service-incurred disabilities to soldiers and sailors of the Regular Establishment, and to soldiers and sailors of the Spanish-American War, Philippine Insurrection, and Boxer Rebellion. In fact, it includes veterans of the Regular Establishment and veterans of wars prior to World War No. 1, and applies solely and only to veterans who are drawing pensions or compensations by reason of service-connected disabilities received in line of duty.

The Veterans' Administration report to the committee states that it is estimated that approximately 40,100 vet-

erans of the Regular Establishment and 1,100 of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, or a total of 41,200 veterans, would be entitled to the increases provided in this bill and at a cost of approximately \$2,424,000 for the first year. This bill has been approved by the Veterans' Administration, by the organization of the veterans of the Regular Establishment, and by the United Spanish War Veterans. This increase is based upon the increased cost of living and the very great need of the veterans for this increase.

A motion has been made to suspend the rules and to pass this bill. This motion should be adopted by the unanimous vote of the House.

AMENDING CIVIL SERVICE RETIREMENT ACT

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1475) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended, with Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

After line 11 insert:

"Sec. —. Nothing contained in the second paragraph of section 2 of the act entitled "An act to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to certain employees in the legislative and judicial branches of the Government", approved July 13, 1937, as amended, shall be construed to prevent the deduction and withholding from the basic salary, pay, or compensation of any employee with less than 7 years of service, whose salary or any part thereof is paid by the disbursing officer of the Senate, of sums required to be deducted and withheld by section 10 of the Civil Service Retirement Act, approved May 29, 1930, as amended, if such employee shall have given notice in accordance with section 3 of the Civil Service Retirement Act, approved May 29, 1930, as amended, of his desire to come within the purview of such act. This section shall take effect as of January 24, 1942."

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman make a brief explanation of the Senate amendment?

Mr. RAMSPECK. Yes; the amendment deals only with employees of the United States Senate. It removes the provision now in the Retirement Act, which requires Senate employees to wait 7 years before they can participate in the Retirement Act.

Mr. MARTIN of Massachusetts. The only change is relative to Senate employees?

Mr. RAMSPECK. That is correct. It has been passed on by the committee unanimously.

The SPEAKER. Is there objection?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.



[PUBLIC LAW 351—78TH CONGRESS]

[CHAPTER 274—2D SESSION]

[H. R. 1475]

AN ACT

To amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17 of the Civil Service Retirement Act, approved May 29, 1930, as amended is further amended by adding thereto a further paragraph reading as follows:

"Notwithstanding any other provision of this Act, there shall be no recovery of annuity payments from any annuitant under this Act who, in the judgment of the Civil Service Commission, is without fault and when, in the judgment of the Civil Service Commission, such recovery would be contrary to equity and good conscience."

SEC. 2. Nothing contained in the second paragraph of section 2 of the Act entitled "An Act to extend the benefits of the Civil Service Retirement Act of May 29, 1930, as amended, to certain employees in the legislative and judicial branches of the Government", approved July 13, 1937, as amended, shall be construed to prevent the deduction and withholding from the basic salary, pay, or compensation of any employee with less than seven years of service, whose salary or any part thereof is paid by the disbursing officer of the Senate, of sums required to be deducted and withheld by section 10 of the Civil Service Retirement Act, approved May 29, 1930, as amended, if such employee shall have given notice in accordance with section 3 of the Civil Service Retirement Act, approved May 29, 1930, as amended, of his desire to come within the purview of such Act. This section shall take effect as of January 24, 1942.

Approved June 26, 1944.

